

141-295012-17

FILED
TARRANT COUNTY
8/9/2019 1:32 PM
THOMAS A. WILDER
DISTRICT CLERK

Cause No. 141-295012-17

MBH REAL ESTATE LLC,
AFI LOAN SERVICING, LLC,
ANSON FINANCIAL, INC.,
J. MICHAEL FERGUSON, P.C.
Plaintiffs

V.

IAN GHRIST, GHRIST LAW FIRM, PLLC,
SHAWN COKER, NEIGHBORHOOD PARTNER,
INC., BLUE MOON REALTY GROUP, LLC,
WIZARD FUNDING, LLC, SILVER STAR TITLE
, LLC DBA SENDERA TITLE, ELIZABETH
ESPINO, KATHY E. MONTES, AND LUCY
OLIVAS
Defendants

§ IN THE DISTRICT COURT
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§ 141st JUDICIAL DISTRICT
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§ TARRANT COUNTY, TEXAS

FILED
TARRANT COUNTY
2019 SEP 13 PM 12:22
THOMAS A. WILDER
DISTRICT CLERK

**ORDER ON IAN GHRIST'S AND GHRIST LAW FIRM PLLC'S
REQUESTS FOR ATTORNEY'S FEES, COSTS, AND SANCTIONS**

CAME ON TO BE HEARD, the above-referenced matter. Upon consideration of the pleadings, arguments, evidence, and filings, the Court GRANTS the relief as stated herein. In this instrument, references to awards to Ian Ghrist and Ghrist Law Firm PLLC shall mean that relief is awarded to both entities, however, the award shall be a single recovery, jointly and severally, against those entities against whom the award is taken.

The Court has reviewed the Mandate of the Second Court of Appeals dated September 5th, 2018, the fee affidavit attached as Exhibit A to the motion filed 3/26/2019, the fee affidavit attached as Exhibit 1 to the supplement filed 5/20/2019, the fee affidavit attached as Exhibit M to the motion filed 1/17/2019, the fee affidavit attached as Exhibit D to the motion filed 10/16/2017, the fee invoice attached as Exhibit 4 to the supplement filed 5/20/2019, and other relevant filings or evidence, and, in accordance therewith, awards \$17,043.75 in legal fees to Ian Ghrist and Ghrist Law Firm PLLC against MBH Real Estate LLC, Anson Financial Inc., AFI

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Loan Servicing LLC, and J. Michael Ferguson P.C. for the defamation or libel claims dismissed pursuant to the Mandate.

The Court awards \$6,300.00 in legal fees for defense of the claims related to the \$129,000 Yammine Tax Loan against Anson Financial Inc. to Ian Ghrist and Ghrist Law Firm PLLC.

The Court further awards \$9,197.50 in legal fees for defense of the claims entitled “The Ghrist Defendants’ Breaches of Fiduciary Duties and Tortious Interference to Anson Financial Inc. Related to the Alvord 287 Joint Venture” against Anson Financial Inc. to Ian Ghrist and Ghrist Law Firm PLLC.

The Court finds that a sanctions award is mandatory, under Tex. Civ. Prac. & Rem. Code Ann. § 27.009, when a Texas Citizen’s Participation Act (TCPA) motion to dismiss is granted. *See Tatum v. Hersh*, 559 S.W.3d 581, 587 (Tex. App.—Dallas 2018, no pet.). The Court finds that after MBH Real Estate LLC, Anson Financial Inc., AFI Loan Servicing LLC, and J. Michael Ferguson P.C. had claims dismissed pursuant to the TCPA, Anson Financial Inc. chose to file additional claims, twice, subject to dismissal pursuant to the TCPA. Under the circumstances of this case, where three TCPA motions were granted in the same lawsuit, and for other reasons as explained in the motions and evidence, sanctions should be awarded against MBH Real Estate LLC, Anson Financial Inc., AFI Loan Servicing LLC, and J. Michael Ferguson P.C. (all companies owned and controlled by J. Michael Ferguson). Sanctions should be awarded, pursuant to Tex. Civ. Prac. & Rem. Code 27.009, and this Court’s inherent power to sanction, as the Court determines sufficient to deter the party who brought the legal action from bringing similar actions described in Chapter 27 of the Texas Civil Practice and Remedies Code. The

Court has awarded \$32,541.25 in legal fees related to causes of action dismissed pursuant to the TCPA.

The Court awards sanctions, pursuant to the TCPA and under the Court's own power to award sanctions, of \$97,623.75, being three times the amount of fees awarded under the three granted TCPA motions to dismiss. Accordingly, the Court awards the foregoing sanctions against MBH Real Estate LLC, Anson Financial Inc., AFI Loan Servicing LLC, and J. Michael Ferguson P.C., jointly and severally, in favor of Ian Ghrist and Ghrist Law Firm PLLC.

The Court finds, pursuant to Tex. Bus. & Com. Code Ann. § 17.50(c), that the claims under the Texas Deceptive Trade Practices Act (DTPA) were "groundless in fact or law or brought in bad faith, or brought for the purpose of harassment" and accordingly, awards attorney's fees and court costs to Ian Ghrist and Ghrist Law Firm PLLC in accordance with Tex. Bus. & Com Code § 17.50(c). The Court makes such finding for the reasons stated in Pages 13 to 16 of Exhibit A to the motion filed 3/26/2019, and for such other reasons as are contained in the pleadings, record, and evidence in this case. Accordingly, the Court awards \$10,217.50 in attorney's fees to Ian Ghrist and Ghrist Law Firm PLLC against MBH Real Estate LLC on the DTPA claims.

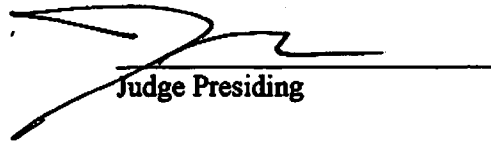
The Court awards post judgment interest on all amounts awarded herein at the statutory rate of 5.50% per annum.

The Court further finds that Ian Ghrist and Ghrist Law Firm PLLC shall recover \$15,000.00 in additional legal fees in the event of an appeal to the Court of Appeals, and \$10,000.00 in the event of an application for writ of error to the Texas Supreme Court, and \$15,000.00 in the event of briefing on the merits to the Texas Supreme Court.

Taxable court costs, including the costs of the appeal to the Second District of Texas Fort Worth Court of Appeals under Cause No. 02-17-00411-CV, are awarded to Ian Ghrist and Ghrist Law Firm PLLC against MBH Real Estate LLC, AFI Loan Servicing LC, Anson Financial Inc., and J. Michael Ferguson P.C. pursuant to the Mandate and otherwise. The Plaintiffs' motion for recovery of Plaintiffs' attorney's fees is denied.

This judgment is partial and interlocutory in nature because the Coker parties have a counterclaim that remains pending at this time.

SIGNED on this the 11 day of September, 2019.


Judge Presiding

Cause No. 141-295012-17

**MBH REAL ESTATE LLC,
AFI LOAN SERVICING, LLC,
ANSON FINANCIAL, INC.,
J. MICHAEL FERGUSON, P.C.
Plaintiffs**

V.

**IAN GHRIST, GHRIST LAW FIRM, PLLC,
SHAWN COKER, NEIGHBORHOOD PARTNER,
INC., BLUE MOON REALTY GROUP, LLC,
WIZARD FUNDING, LLC, SILVER STAR TITLE
, LLC DBA SENDERA TITLE, ELIZABETH
ESPINO, KATHY E. MONTES, AND LUCY
OLIVAS
Defendants**

§ **IN THE DISTRICT COURT**

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141st JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

**FILED
TARRANT COUNTY
2019 MAY 17 PM 12:49
THOMAS A. WILDER
DISTRICT CLERK**

ORDER ON IAN GHRIST'S AND GHRIST LAW FIRM PLLC'S

**THIRD MOTION TO DISMISS CLAIMS PURSUANT TO CHAPTER 27 OF THE
TEXAS CIVIL PRACTICE AND REMEDIES CODE (THE TEXAS CITIZENS
PARTICIPATION ACT (TCPA))**

CAME ON TO BE HEARD, the above-referenced motion. Upon consideration of the pleadings, arguments, evidence, and filings, the Court GRANTS the motion to the extent ordered herein.

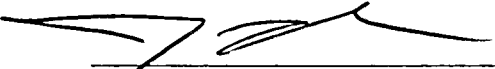
IT IS THEREFORE ORDERED that the Plaintiffs' claims against Ian Ghrist and Ghrist Law Firm PLLC for "The Ghrist Defendants' Breaches of Fiduciary Duties and Tortious Interference to Anson Financial Inc. Related to the Alvord 287 Joint Venture" are DISMISSED WITH PREJUDICE.

Ian Ghrist's and Ghrist Law Firm PLLC's requests for attorney's fees, court costs, and Texas Citizens Participation Act (TCPA) sanctions are under advisement.

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5/20/19 *Yg*

This order is partial and interlocutory in nature.

SIGNED on this the 9 day of May, 2019.



Judge Presiding

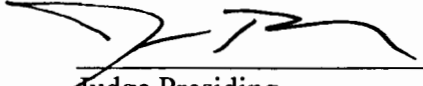
IT IS FURTHER ORDERED that the Plaintiffs' claims entitled "The Ghrist Defendants' Breaches of Fiduciary Duties & Tortious Interference to Anson Financial, Inc. Related to the \$129,000 Yammine Tax Loan" are DISMISSED WITH PREJUDICE.

All claims against Ian Ghrist and Ghrist Law Firm PLLC are DISMISSED WITH PREJUDICE except for the claim in Plaintiff's Fifth Amended Petition and Request for Disclosure entitled "The Ghrist Defendants' Breaches of Fiduciary Duties and Tortious Interference to Anson Financial, Inc. Related to the Alvord 287 Joint Venture."

Ian Ghrist's and Ghrist Law Firm PLLC's requests for attorney's fees, court costs, and Texas Citizens Participation Act (TCPA) sanctions are under advisement.

This judgment is partial and interlocutory in nature and is not final because the claim in Plaintiff's Fifth Amended Petition and Request for Disclosure entitled "The Ghrist Defendants' Breaches of Fiduciary Duties and Tortious Interference to Anson Financial, Inc. Related to the Alvord 287 Joint Venture" remains pending at this time and the Court has taken the amount of attorney's fees, court costs, and Texas Citizens Participation Act (TCPA) sanctions to award under advisement at this time.

SIGNED on this the 1 day of April, 2019.



Judge Presiding

141-311209-19

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TARRANT COUNTY
9/13/2019 5:12 PM
THOMAS A. WILDER
DISTRICT CLERK

Cause No. 141-295012-17

MBH REAL ESTATE LLC,
AFI LOAN SERVICING, LLC,
ANSON FINANCIAL, INC.,
J. MICHAEL FERGUSON, P.C.
Plaintiffs

V.

IAN GHRIST, GHRIST LAW FIRM, PLLC,
SHAWN COKER, NEIGHBORHOOD PARTNER,
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WIZARD FUNDING, LLC, SILVER STAR TITLE
, LLC DBA SENDERA TITLE, ELIZABETH
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Defendants

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§ 141st JUDICIAL DISTRICT
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§ TARRANT COUNTY, TEXAS

ORDER ON MOTION TO SEVER

After considering Defendants' Ian Ghrist and Ghrist Law Firm PLLC's motion to sever, filed with their Response to Plaintiffs' Motion to Vacate and Rehearing of Order Granting Ian Ghrist and Ghrist Law Firm PLLC's Motions or Pleadings for Recovery of Attorney's Fees Court Costs and Texas Citizen Participation Act Sanctions and Plaintiffs' Motion for Sanctions and Attorney's Fees, the Court has determined to enter the following orders.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that all claims between and amongst Ian Ghrist, Ghrist Law Firm PLLC, MBH Real Estate LLC, AFI Loan Servicing LLC, Anson Financial Inc., and J. Michael Ferguson PC are hereby SEVERED from the remaining claims in the above-numbered and styled cause. The Clerk of the Court is hereby directed to prepare a new file for, and separately docket, the severed claims and to place in the file of the severed action:

1. A copy of this Order;
2. Copies of all filings and orders in this case;

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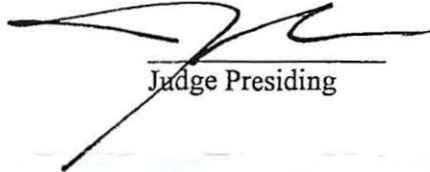
3. A copy of the docket sheet of the Court in Cause No. 141-295012-17;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk's Record in Cause No. 141-295012-17 and the Reporter's Record of any hearing(s) held in Cause No. 141-295012-17 or Cause No. 236-295012-17 shall be available for inclusion in the record of any post-judgment motion or appeal in the severed action. The severed action shall bear a new cause number and shall be styled MBH Real Estate LLC; AFI Loan Servicing LLC; Anson Financial Inc.; and J. Michael Ferguson PC, Plaintiffs, v. Ghrist Law Firm PLLC and Ian Ghrist, Defendants. As a result of this order, Ian Ghrist and Ghrist Law Firm PLLC shall no longer be parties to Cause No. 141-295012-17.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the signing of this Order, the Order on Ian Ghrist's and Ghrist Law Firm PLLC's Requests for Attorney's Fees, Costs, and Sanctions signed 9/11/2019, the Order on Ian Ghrist's and Ghrist Law Firm PLLC's Third Motion to Dismiss Claims Pursuant to Chapter 27 of the Texas Civil Practice and Remedies Code filed 5/17/2019 signed 5/9/2019, and the Order on Ian Ghrist's and Ghrist Law Firm PLLC's First Amended Motion for Traditional Summary Judgment on Res Judicata and Collateral Estoppel and Motion to Dismiss Claims Pursuant to Chapter 27 of the Texas Civil Practice and Remedies Code filed 04/01/2019 signed 4/1/2019 shall become final and appealable judgments of the Court in the new severed action under the new cause number. In the new severed action under the new cause number, the three orders referenced herein shall dispose of all claims of all parties and shall be final and appealable. All relief not granted in the three orders referenced herein shall be denied. Under the new severed action and new cause number, taxable court costs are awarded to Ian Ghrist and Ghrist Law Firm PLLC against MBH Real Estate LLC;

AFI Loan Servicing LLC; Anson Financial Inc.; and J. Michael Ferguson PC, jointly and severally.

SIGNED on this the 14 day of September 2019.



Judge Presiding